

In the Matter of)
)
Toll Free Service Access Codes) CC Docket No. 95-155

Filed by: 800Ideas.com, Inc.
9577 Chesapeake Drive, 2nd Floor
San Diego, CA 92123
(858) 565-4000

800Ideas.com, Inc. ("800Ideas") hereby respectfully submits its Reply to Opposition in the above captioned docket. The response filed by the Red Cross highlights the truth of the matter behind this dispute.

In the Sept. 2nd. Red Cross letter to the FCC Ms. Elcano states, "I am asking the Commission to take emergency action to enable us to utilize the telephone number..." In the Oct. 14th Red Cross Opposition filing, they state "Although the Red Cross would have liked to put this

number into service instantly, all of the Red Cross's resources necessary to accomplish this task were and are focused on providing aid to the victims of hurricanes Katrina and Rita." Clearly this indicates that though the Red Cross could not make immediate use of the number, they represented to the FCC that this was in fact an EMERGENCY requiring immediate and unprecedented action by the FCC to save lives. This was simply a clever ploy by the Red Cross to force the FCC to take action in their favor. Given the highly charged environment and accusations that the Federal Government was responding too slowly to the needs of the victims, the FCC had little choice but to assume the claims of the Red Cross were in fact true and act accordingly. Now that there has been time to analyze all of the information, it seems shameful that the Red Cross would make such an emergency request to deprive 800Ideas of any due process, knowing the FCC's actions would provide no benefit to hurricane victims for weeks to come.

**II. NO EVIDENCE THAT ANY SIGNIFICANT BENEFIT TO THE
AMERICAN PUBLIC WILL BE GAINED**

The Red Cross Opposition states "It believes that its disaster relief coordination and fund raising efforts are

hindered because this number (1-800-HELP-NOW) does not convey the organization's name..." The Red Cross has offered no proof that this is the case. As stated previously, the Red Cross has admitted to being incapable of answering the call volume generated by their use of 1-800-HELP-NOW. They are implying that somehow the use of 1-800-RED-CROSS would greatly increase the number of calls made by citizens. Again, they offer no proof as to how or why this would be the case. In fact, the actual call volume to 1-800-733-2767 during the height of the response to hurricane Katrina was less than 3,000 calls per day while the call attempts to 1-800-HELP-NOW were in the millions of calls per day. In the Oct. 8th edition of the National Journal, Page 3109, Chuck Connor told reporter Peter Bell that the Red Cross financial disaster-assistance center was receiving about 2 million calls per day. Of these, about 600,000 were received via 1-800-RED-CROSS and the remainder via 1-800-975-7585. This is a complete and utter fabrication to support Mr. Connors false claims that somehow this number is vital to the Red Cross effort. I ask the FCC to request the appropriate records from the Red Cross's carrier, SBC, to disprove this claim. These records will yet again show the true nature of the Red Cross's actions. It is inconceivable that in little more than one month, the calls

to this number, after the height of the crisis response had passed, suddenly grew from 3,000 calls per day to 600,000 calls per day.

III. THE RED CROSS HAS NOT DEALT FAIRLY WITH 800IDEAS

In a brief conversation with Mr. Connor prior to his visit meeting with 800Ideas on May 31st, David Sprouse stated to Mr. Connor that per FCC regulations, "Toll Free Numbers cannot be bought sold bartered or traded." To that Mr. Connor replied that he didn't need to worry about the FCC he would take care of that. Upon arriving at the office of 800Ideas's attorney, Ms. Bahrambeygui reiterated that toll free numbers cannot be bought sold bartered or traded and the Mr. Connor needed to outline the legal process that would allow such a transaction or the discuss would be pointless. The Red Cross first suggested 800Ideas release the number in exchange for marketing services provided by their corporate sponsorship program. This was rejected by 800Ideas. Mr. Connor then indicated that if 800Ideas was not willing to relinquish the number, he would simply take it away. That seemed to be the end of negotiations and Ms. Bahrambeygui suggested Mr. Connor speak with Ms. Elcano to see if there was anything left to discuss. At this point Mr. Connor had introduced her as the only attorney on the call. It wasn't until near the end of the meeting after a

second voice spoke up on the phone that Ms. Bahrambeygui realized there were more parties to the call and requested a complete list of the participants. After several minutes, discussions continued. During that meeting 800Ideas suggested that an expansion of the services being provided to several local Red Cross chapters may be an option. Mr. Connor stated flatly that he had no interest in any form of on going relationship. There was no discussion of the rates being charged to those local Red Cross chapters. There was no inquiry by Mr. Connor as to whether or not those rates were negotiable. In fact the rate being charged to the San Diego/Imperial County Red Cross for area code routing of 1-800-722-2767 was \$0.095/minute. At the end of the meeting, Mr. Connor did state the Red Cross was willing to consider a cost reimbursement in "the high six figures". Mr. Sprouse replied stating he was confident there was a mutually acceptable solution out there and requested Mr. Connor send a proposal for how this number could be legally transferred and 800Ideas be compensated. No further contact was made by anyone from the Red Cross to 800Ideas regarding this issue.

IV. INTERPRETATION OF THE COMMISSIONS RESPONSIBILITIES

The Red Cross refers to the FCCs responsibility to make available 'a rapid efficient, Nation-wide, and world-wide wire and radio communication service...for the purpose of promoting safety of life and property...' They imply that transferring this number from one private company to another is part of meeting that responsibility when it is not. The FCC has done its part by providing a system of toll free numbers allowing rapid, efficient, nation-wide, and world-wide communication. The Red Cross quotes that "toll free numbers shall be made available on a first come, first-served basis unless otherwise directed by the commission'. Though this may give the commission the ability to alter the number assigning policy, that is not at issue here. The FCC isn't contemplating changing the number assigning process; it is making a one time exception to existing rules. Should this order stand, it will be left to the courts to decide the legality of this action.

V. CONCLUSION

The Red Cross is attempting to expand the FCCs role to include stripping the legitimate Right to Use a toll free number from one private company and give them to another. They launched this calculated plan to force the FCC into this course of action by taking advantage of a national tragedy. The Red Cross admitted it could not make short

term use of the number it portrayed to the FCC as vital tool in the relief effort. The Red Cross has provided no evidence that the American Public will benefit in any way by this unprecedented action. The Red Cross made no attempt to exhaust alternatives to this course of action. Given these circumstances, 800Ideas respectfully requests that the FCC rescind the order transferring 1-800-733-2767 from 800Ideas to the Red Cross.

Sincerely,
David Sprouse

800Ideas.com, Inc.
9577 Chesapeake Drive, 2nd Floor
San Diego, CA 92123
858-565-4000 x 114